

REMARKS

Applicants and the undersigned reviewed the office action carefully, before preparing this response. Reconsideration is respectfully requested. Nonetheless, in light of the positions presented herein, this application is believed to be in condition for allowance.

Several claims were rejected under 35 USC § 102(e) as anticipated by Kamo. Applicants appreciate the Examiner's concern but respectfully disagree. Kamo describes a resinous organic, polymeric coating. Incidental inclusion of an aluminum phosphate component therein does not suffice to provide Applicants amorphous aluminophosphate film. As a further departure from the present invention, any component between a substrate and the resinous coating is described in Kamo as an eluted metal film. (See, e.g., col. 18 at lns. 54-64.) Accordingly, Kamo does not anticipate Applicants' invention. This rejection should be withdrawn, with the subject claims allowed to proceed toward issue.

Several other claims were rejected under 35 USC § 103, as obvious in light of Akebono. Again, Applicants appreciate the Examiner's concern, but respectfully disagree. There is no *prima facie* obviousness without requisite motivation to do what Applicants have done. Akebono describes its carbon particles as part of an aggregate, and would lead someone skilled in the art in a direction away from an amorphous material. There is no motivation when such a reference "teaches away" from Applicants' invention. Without motivation, there is no *prima facie* obviousness, and the rejection should be withdrawn.

Further, from an alternate prospective, it appears the Examiner did not take into consideration all of the claimed subject matter. Section 103 requires that obviousness be determined on the basis of the claimed subject matter as a whole. In this instance, the Examiner did not consider the amorphous aspect(s) of Applicants invention. Absent consideration of the claimed subject matter,

obviousness can not be supported. This rejection should also be withdrawn, with the subject claims allowed to proceed toward issue.

The Examiner raised a § 112 concern about Claim 13. Responsive thereto, one non-limiting aspect of Applicants' invention is as rephrased by the Examiner. Applicants would be agreeable to a clarifying amendment, if thought helpful, upon resolution of the cited art issues.

This application is believed to be in condition for allowance. Consistent therewith, favorable action is respectfully requested. The Examiner is invited to contact the undersigned by telephone, should any issue remain. Thank you for your time and consideration.

Respectfully submitted,



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